

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

—  
No. 6:23-cv-00430  
—

**James Anthony Hunter,**  
*Plaintiff,*

v.  
**Larry Smith et al.**  
*Defendants.*

—  
**ORDER**

Plaintiff James Anthony Hunter, an inmate confined within the Smith County Jail proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love.

After a *Spears* hearing, the magistrate judge issued a report (Doc. 32) recommending that plaintiff's claims against defendants Smith, Pinkerton, Rhode, Saxon, Smith County, and Boller be dismissed with prejudice for failure to state a claim upon which relief may be granted. The magistrate judge recommended that plaintiff's claims against the remaining defendants proceed.

A copy of this report was sent to plaintiff at his last-known address. The docket reflects that plaintiff received a copy of the report on April 19, 2024. Doc. 40. Plaintiff has not filed objections.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Plaintiff's claims against defendants Smith, Pinkerton, Rhode, Saxon, Smith County, and Boller are therefore dismissed

with prejudice for the failure to state a claim upon which relief may be granted.

*So ordered by the court on July 19, 2024.*



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J. CAMPBELL BARKER  
United States District Judge